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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/705,750	11/06/2000	Kiyoshi Seizu	001418	6624

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EXAMINER

PITTMAN, ZIDIA T

ART UNIT	PAPER NUMBER
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1725

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DATE MAILED: 01/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/705,750

Applicant(s)

SEIZU, KIYOSHI

Examiner

Zidia Pittman

Art Unit

1725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 1725

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Claussen (USPN 3,905,536).

Claussen teaches an apparatus for use in the production of spiral-welded tubes including a center roller to be driven to rotate positioned and fixed in a predetermined position, a pair of bending rollers to be driven to rotate disposed opposing the center roller at one side of the center roller, movable toward and away from the center roller, wherein the center roller is provided with an annular recess formed therein around the center roller, the pair of bending rollers are respectively provided with annular convex portions formed thereon around the bending rollers, the convex portions to be inserted in the annular recess of the center roller at a predetermined position of the annular recess of the center roller, and a pressing roller rotatably disposed opposing the center roller, movable toward and away from the center roller (abstract; Figure 1; column 3 lines 4-8, 17-28, 47-63; column 4 lines 11-34).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 1725

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Claussen (USPN 3,905,536).

Claussen discloses a bending method including providing a sheet metal and forming the material into a pipe by using a center roller to be driven to rotate which is positioned and fixed in a predetermined position and a pair of bending rollers to be driven to rotate which is disposed opposing the center roller at one side of the center roller, movable toward and away from the center roller, the material being bent by being transferred between the center roller and the pair of bending rollers (abstract; Figure 1; column 3 lines 4-8, 17-28, 47-63; column 4 lines 11-34).

Claussen does not disclose a bending method including providing a belt-shaped steel material, one of an L-shaped cross-section and a U-shaped cross-section. However, Claussen does disclose providing a sheet metal (col. 4 lines 29-34) as the material to be bent, therefore, the examiner submits that it would have been obvious to one having ordinary skill in the art to provide a belt-shaped steel material, one of an L-

Art Unit: 1725

shaped cross-section and a U-shaped cross-section as being a material encompassed by the disclosure of Claussen.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Imamura et al (USPN 6,076,725), Lee et al (USPN 5,934,544), Sturris (USPN 5,566,874), Toyooka et al (USPN 5,301,869), Yasumura et al (USPN 4,945,743), Peck (USPN 4,841,802), Toyooka (USPN 4,590,781), and Tetlak (USPN 3,905,086) are cited as of interest.

378

01/14/02



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